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INFORMATION PACKAGE

ON

PUBLIC PRESENTATIONS BEFORE MUNICIPAL COUNCILS

BY

ALDERMAN AND REGIONAL COUNCILLOR

BRIAN HINKLEY

MAY, 1982

AN

INFORMATION PACKAGE

ON

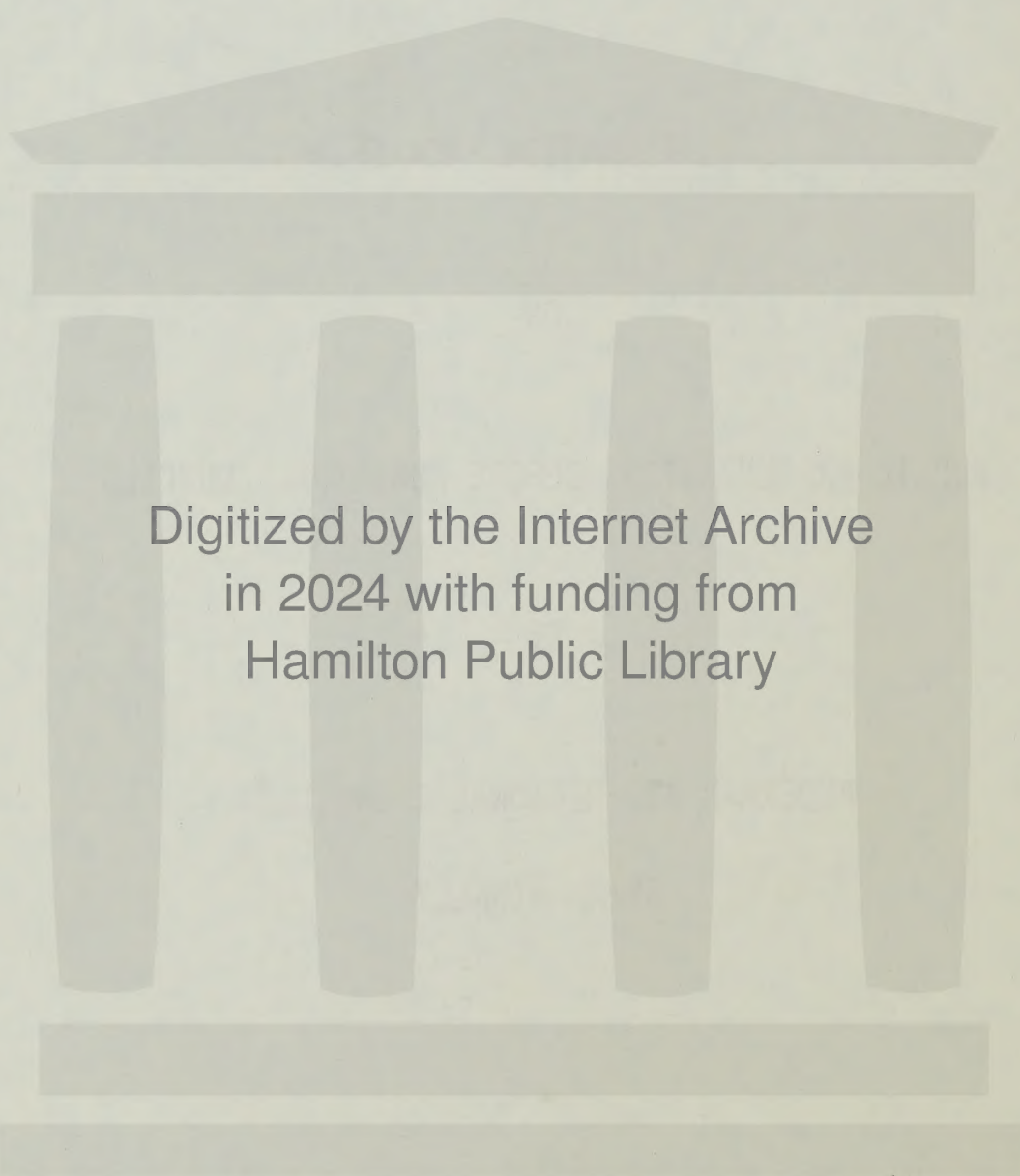
PUBLIC PRESENTATIONS BEFORE MUNICIPAL COUNCILS

BY

ALDERMAN AND REGIONAL COUNCILLOR

BRIAN HINKLEY

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APPENDIX I - COPY OF FORM LETTER SENT TO VARIOUS ONTARIO
MUNICIPALITIES

APPENDIX II - NEWSCLIPPINGS

INTRODUCTION

THE QUESTION OF THE RELATIONSHIP THAT A MUNICIPAL COUNCIL DISPLAYS TOWARD THE ACCEPTANCE OF CITIZEN PARTICIPATION AND COMMUNITY INPUT INTO CIVIC AFFAIRS AND DECISION MAKING IS ONE OF CONTINUAL DISCUSSION AND DEBATE.

THE DEBATE DOES NOT REVOLVE AROUND THE PRINCIPLE OF CITIZEN PARTICIPATION AS AN ACCEPTABLE VEHICLE FOR AN ENRICHED DECISION MAKING PROCESS BUT RATHER THE DEGREE AND NATURE OF CITIZEN INVOLVEMENT WHICH TENDS TO PRODUCE A DILEMMA FOR BOTH THE POLITICIAN AND THE CIVIL SERVANT. WHEN ONE CHOOSES TO DISCUSS THE QUESTION OF CITIZEN INPUT THE SUBJECT SHOULD BE DISCUSSED IN BOTH QUALITATIVE AS WELL AS QUANTITATIVE TERMS.

INTRODUCTION

REPRESENTATIVE DEMOCRACY, AS WE HAVE COME TO KNOW AND APPRECIATE, IS NOT RESTRICTED TO THE SIMPLE PHYSICAL ACT OF CASTING A BALLOT ON ELECTION DAY. IN ORDER TO ENHANCE THE SYSTEM OF LOCAL GOVERNMENT AND STRENGTHEN THE PUBLIC INTEREST AND COMMITMENT TO THE PROCESS OF MUNICIPAL GOVERNMENT, CITIZENS MUST HAVE TOTAL FAITH AND CONFIDENCE THAT THE PROCESS IS IN PLACE TO SERVE. SERVICE IN THE PUBLIC INTEREST AND ACCESS TO GOVERNMENT AS WELL AS DIRECT CONTACT WITH THE ELECTED DECISION-MAKERS IS A MOST IMPORTANT ELEMENT THAT BINDS OUR COMMUNITY TOGETHER.

FOR THE MOST PART THE SYSTEM WORKS WELL. THE POLICIES AND PROCEDURES ARE SUBSTANTIALLY IN PLACE TO SERVE THE PEOPLE. THE CIVIC DEPARTMENTS AND THE EMPLOYEES CARRY OUT THEIR DUTIES AND RESPONSIBILITIES ASSURING THAT A HIGH LEVEL OF SERVICE

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FOR THE MOST PART THE SYSTEM WORKS WELL. THE MECHANISMS AND PROCEDURES ARE SUBSTANTIALLY IN PLACE TO SERVE THE PEOPLE. THE CIVIC DEPARTMENTS AND THE EMPLOYEES CARRY OUT THEIR DUTIES AND RESPONSIBILITIES ENSURING THAT A HIGH LEVEL OF SERVICE

IS PROVIDED TO THE CITIZENS OF OUR REGION. WHEN PROBLEMS DO OCCUR THE STAFF OF THE VARIOUS DEPARTMENTS PERFORM TO A HIGH DEGREE OF EXCELLENCE AND MOST MATTERS OF RUNNING THE MUNICIPALITY ARE DEALT WITH WITHOUT THE NECESSITY OF FURTHER POLITICAL DIRECTION. SINCE POLICIES AND PROCEDURES ARE ALREADY IN PLACE, IT THEN BECOMES A MATTER OF ADMINISTRATION. AS POLITICIANS WE SOMETIMES NEGLECT TO INFORM OUR CIVIC EMPLOYEES THE FINE WORK THEY CARRY OUT ON BEHALF OF THE MUNICIPALITY AND THE PUBLIC.

WE LIVE IN A RAPIDLY CHANGING WORLD AND MUNICIPAL GOVERNMENTS MUST BE ABLE TO RESPOND QUICKLY TO THESE CHANGES. POLITICAL DECISIONS MUST CONSTANTLY BE MADE AND REVISED SO THAT STAFF HAVE THE OPPORTUNITY TO IMPLEMENT CHANGES IN POLICIES AND PROCEDURES AS DIRECTED BY THE ELECTED OFFICIALS.

THE COUNCIL HAS THEREFORE SET IN PLACE A COMMITTEE SYSTEM TO DEAL WITH AREAS OF CONCERN AFFECTING THE PUBLIC INTEREST GENERALLY OR THE SPECIFIC INTEREST OF AN INDIVIDUAL CITIZEN, COMPANY OR ORGANIZATION. THE COMMITTEE SYSTEM WHICH DEALS WITH AND RECOMMENDS CHANGES IN POLICIES OPERATES EXTREMELY WELL IN VIRTUALLY ALL SITUATIONS AND ALSO PROVIDES FOR CONSIDERABLE INPUT BY MEMBERS OF THE PUBLIC.

HOWEVER, THERE IS THE RARE INSTANCE WHERE THE COMMITTEE SYSTEM WILL FAIL. I HAVE ALWAYS BEEN A FIRM BELIEVER THAT EVERY REASONABLE OPPORTUNITY SHOULD BE PROVIDED ANY CITIZEN THE RIGHT TO HAVE DIRECT ACCESS TO THE BODY THAT DECIDES THE FATE ON A MATTER WHERE AN INDIVIDUAL HAS AN INTEREST.

AT THE PRESENT TIME THERE IS NO FORMAL VEHICLE OR RIGHT TO ALLOW CITIZENS TO SPEAK TO THE WHOLE OF COUNCIL, AND YET COUNCIL, IN MANY CASES, DECIDES THE FINAL RESOLVE OF AN ISSUE.

IT IS QUITE POSSIBLE (EVIDENCED BY PREVIOUS COUNCIL ACTIONS) THAT A COMMITTEE'S RECOMMENDATION WILL BE DEFEATED BY THE COUNCIL. THE COUNCIL MAY HAVE MADE THAT DECISION BASED UPON INACCURATE REPORTING OF EVENTS, A WEIGHTED REPRESENTATION FROM A COUNCILLOR OR COUNCILLORS WHO SIT ON THE COMMITTEE OR THROUGH A MIS-INFORMED OR BIASED SOURCE. THE INDIVIDUAL, COMPANY OR ORGANIZATION COULD THEREFORE BE VICTIMIZED OR SUFFER UNFAIR TREATMENT. BY DENYING ONE THE OPPORTUNITY TO ADDRESS THOSE RESPONSIBLE FOR MAKING THE FINAL DECISION DOES NOT APPEAR TO REFLECT A PHILOSOPHY OF FAIRNESS. A FEELING OF RESENTMENT AND FRUSTRATION COULD RESULT AND THE INDIVIDUAL INVOLVED LOSES HIS/HER RESPECT FOR A SYSTEM DESIGNED TO SERVE.

MUNICIPAL COUNCILS ARE NOT LEGISLATIVE ASSEMBLIES NOR ARE THEY THE HOUSE OF COMMONS AND TO VIEW THEM AS SUCH IS INAPPROPRIATE. MUNICIPAL COUNCILS SHOULD NOT PLACE UNNECESSARY DISTANCE BETWEEN THEMSELVES AND THE PEOPLE THEY REPRESENT. MUNICIPAL GOVERNMENT IS GRASS ROOTS GOVERNMENT AND THIS MEANS GREATER DIRECT CONTACT WITH THE COMMUNITY.

THERE MAY BE OCCASIONS WHEN A RATEPAYER SIMPLY WISHES TO EXPRESS A CONCERN TO THE REGIONAL COUNCIL. WHY SHOULD HE/SHE BE REQUIRED TO WRITE TWENTY-EIGHT LETTERS TO THE MEMBERS OF COUNCIL WITH NO GUARANTEE THAT THE LETTERS WILL BE READ. A LETTER DOES NOT ALWAYS COMMUNICATE TONE, FEELING OR SINCERITY OF CONCERN.

IT WOULD APPEAR TO ME THAT SETTING ASIDE A PORTION OF TIME
AT EACH COUNCIL MEETING FOR PUBLIC PRESENTATIONS IS REALLY NOT
TOO MUCH TO ASK.

B A C K G R O U N D

BACKGROUND

ON MARCH 2ND, 1982, I GAVE NOTICE OF MOTION TO THE HAMILTON-WENTWORTH REGIONAL COUNCIL THAT I WOULD PROPOSE A PROCEDURE FOR ALLOWING PUBLIC PRESENTATIONS TO BE MADE BEFORE THE WHOLE OF REGIONAL COUNCIL.

THE NOTICE OF MOTION REFERRED TO ABOVE IS CONTAINED IN THIS INFORMATION PACKAGE.

THE MOTION WAS DEALT WITH BY REGIONAL COUNCIL ON MARCH 16TH, 1982, AND WAS SOLIDLY DEFEATED BY A VOTE OF 21 TO 6.

ENCLOSED IN THE APPENDIX SECTION OF THIS INFORMATION PACKAGE ARE COPIES OF THE PRESS REPORTS WHICH WERE PUBLISHED PRIOR TO AND FOLLOWING THE COUNCIL MEETINGS OF MARCH 16TH, 1982.

IT WAS MY OPINION FROM DISCUSSIONS WITH POLITICIANS FROM OTHER ONTARIO MUNICIPALITIES THAT HAMILTON-WENTWORTH REGIONAL COUNCIL WAS OUT OF STEP WITH MOST OTHER COUNCILS ACROSS ONTARIO. HOWEVER, WITHOUT FORMALLY CANVASSING THE OTHER MUNICIPAL COUNCILS I COULD NOT SUBSTANTIATE MY OPINION.

THE ENCLOSED MATERIAL THAT I HAVE RECEIVED FROM MUNICIPALITIES ACROSS THE PROVINCE CLEARLY DEMONSTRATES THAT PUBLIC PRESENTATIONS BEFORE COUNCIL IS QUITE A COMMON PRACTICE.

WHY, THEREFORE, IS THE HAMILTON-WENTWORTH REGIONAL COUNCIL SO DIFFERENT?

NOTICE OF MOTION

NOTICE OF MOTION

Moved _____

Seconded _____

"That the Procedural By-Law be amended according to Appendix "A" to permit any member of the public to address the whole of Regional Council;

And that a new item of business under section 13.1 be added after "Communications" and before "Reports";

And that this new item of business be entitled "Public Presentations".

APPENDIX "A"

Terms and Conditions for the Right to Address Regional Council

Introduction

Any member of the public who is either representing himself or another individual or making representation on behalf of an organization, company or group etc., may be given the opportunity to address Council under the following terms and conditions.

1. All requests to speak before Council shall be in writing, addressed to the Regional Clerk and clearly stating the subject matter of the presentation.
2. All presentations shall be no longer than five minutes in length.
3. The person asking to address Council shall speak only to those matters under the control or jurisdiction of the Regional Council or those matters in which Regional Council may exert influence.

Notwithstanding the above, no presentation will be allowed if it deals with the following matters:

- (i) Matters related to litigation or communications respecting the solicitor - client relationship;
 - (ii) Matters related to wages, salaries, benefits and discipline of personnel of the Region;
 - (iii) Collective bargaining matters;
 - (iv) Matters related to specific properties to be acquired or disposed of by the Region and related negotiations;
 - (v) Matters related to security involving Regional Police.
- 4. All presentations must be in written form with a copy to be provided to the Regional Clerk upon completion of the presentation to Council.
 - 5. All presentations shall conclude with a concise request for Council action or that the presentation simply be received for information.
 - 6. There shall be no more than six presentations on any Council agenda and the total length of time allotted for this item of business be no longer than 30 minutes in duration.
 - 7. The Regional Clerk shall be responsible for the following:
 - (i) Make all the necessary arrangements for public presentation;
 - (ii) Accept requests on a priority basis (first requests receive first priority etc.);
 - (iii) Inform the individual making the presentation by letter the date, time, and place when she/he may appear. The Clerk will emphasize in the letter, the strict adherence to the terms and conditions of the presentation;

- (iv) The Clerk will not place on the agenda more than two speakers on the same subject at any one Council meeting.
 - (v) The Clerk will not place on the Agenda the same person or the same organization, company, group, etc., to speak on the same subject more than once in a six month period.
8. All presentations will be made with the Regional Chairman in the Chair. The Chairman shall exercise all the necessary authority to maintain the decorum of Council and may rule any presentation out of order which does not conform to the accepted procedures of Council or attempts to impugn the integrity of Council or any member of the Council.
9. In cases where Council is being requested to act upon a presentation, the presentation will be routinely forwarded to the appropriate standing committee of Council.

S U M M A R Y
O F
S U R V E Y R E S U L T S

SURVEY RESULTS OF TWENTY-FOUR ONTARIO MUNICIPALITIES
REGARDING THE PUBLIC RIGHT TO ADDRESS COUNCIL

NAME OF MUNICIPALITY	PUBLIC PRESENTATIONS BEFORE COUNCIL	TIME LIMIT ON SPEAKERS	NOTICE OF REQUEST	COMMENTS
BOROUGH OF SCARBOROUGH	YES	10 Minutes	In Writing, prior to the printing of the agenda	In addition to the provisions in the Procedural By-Law, Council has a procedure whereby the Clerk, immediately prior to the start of a Council Meeting, takes the names of any persons wishing to address the Council on any matter on the agenda.
CITY OF BURLINGTON	YES	5 Minutes	In Writing, not later than noon on the Friday preceding the Council Meeting	No problems or administrative difficulties have been experienced with the procedure presently in effect.
CITY OF NORTH YORK	YES	10 Minutes	Arrangements made with the Clerk's Department	Council is flexible and does not adhere strictly to the letter of the By-Law.
CITY OF KITCHENER	YES	10 Minutes	Delegations are encouraged to register prior to the preparation of the agenda	Delegations before Council do not seem to pose a major problem. On two or three occasions throughout the year the Council Meetings may be longer in duration than normal. It is not uncommon for delegations to register on the evening of the Council Meeting.
CITY OF WINDSOR	YES	10 Minutes plus a further 5 minutes if requested.	The Clerk is to be notified before noon on the Friday preceding the Council Meeting	Delegations are also permitted to address items on the Council agenda without notification prior to the meeting.

NAME OF MUNICIPALITY	PUBLIC PRESENTATIONS BEFORE COUNCIL	TIME LIMIT ON SPEAKERS	NOTICE OF REQUEST	COMMENTS
CITY OF SUDBURY	YES	15 Minutes plus an extension if 2/3 of Council agrees	The Clerk is to be notified prior to the meeting	
DISTRICT OF MUSKOKA	YES	10 Minutes	The Clerk is to be notified 48 hours prior to the meeting	There has been no difficulties experienced.
REGION OF DURHAM	YES	10 Minutes	The Clerk is to be notified 48 hours prior to the meeting	There has been no problems or administrative difficulties.
REGION OF WATERLOO	YES	10 Minutes	The Clerk is to be notified 48 hours prior to the meeting	
REGION OF SUDBURY	YES	15 Minutes	The Clerk is to be notified in writing.	Citizens present at the meeting concerned with a matter on the agenda and who have not given prior notification may, with the approval of Council, be heard when the matter comes up for discussion.
REGION OF NIAGARA	YES	10 Minutes	The Clerk is to be notified in writing 5 days prior to the meeting	There has been no problems or difficulties in the administration of this By-Law.
REGION OF PEEL	YES	10 Minutes	The Clerk is to be notified 7 days prior to the meeting	This system works quite well.

NAME OF MUNICIPALITY	PUBLIC PRESENTATIONS BEFORE COUNCIL	TIME LIMIT ON SPEAKERS	NOTICE OF REQUEST	COMMENTS
REGION OF HALDIMAND-NORFOLK	YES	10 Minutes	The Clerk is to be notified 5 days prior to the meeting	
CITY OF MISSISSAUGA	YES	10 Minutes	The Clerk is to be notified prior to the meeting	Citizens present, but who have not given prior notification are also permitted to address Council, but have a lower priority.
REGION OF YORK	YES	10 Minutes	The Clerk is to be notified 48 hours prior to the meeting	
REGION OF HALTON	YES	10 Minutes	The Clerk is to be notified in writing at least five working days prior to the meeting	Delegations before Council is a regular occurrence and no difficulties have been encountered.
CITY OF OSHAWA	QUALIFIED "YES"	?	Clerk must be notified in writing	All delegations must first appear before the appropriate standing committee before permission is granted to appear before Council.
CITY OF KINGSTON	YES	10 Minutes	Clerk must be notified in writing on or before 4:30 P.M. on the Thursday preceding the regular meeting date	Written submissions are requested.
REGION OF OTTAWA-CARLETON	NO			
BOROUGH OF ETOBICOKE	NO			
CITY OF OTTAWA	NO			

NAME OF MUNICIPALITY	PUBLIC PRESENTATIONS BEFORE COUNCIL	TIME LIMIT ON SPEAKERS	NOTICE OF REQUEST	COMMENTS
CITY OF TORONTO	NO			
CITY OF LONDON	NO			
METROPOLITAN TORONTO	NO			<p>May further appear before Executive Committee if not satisfied with Standing Committee's position.</p>

C O M M E N T S

O N

S U R V E Y R E S U L T S

COMMENTS ON SURVEY RESULTS

IT IS QUITE OBVIOUS THAT THE MAJORITY OF THE MAJOR MUNICIPALITIES ACROSS ONTARIO ALLOW THE PUBLIC TO ADDRESS THE COUNCIL AS A WHOLE.

IT ALSO BECOMES APPARENT WHEN ONE READS THE REPLIES FROM THE CLERKS OF THE VARIOUS MUNICIPAL COUNCILS, THAT MOST MUNICIPALITIES EXPERIENCE LITTLE OR NO DIFFICULTY WITH THE PROCESS. IN FACT, THE TERMS AND CONDITIONS THAT APPLY TO THOSE WISHING TO ADDRESS COUNCIL ARE FAR LESS RESTRICTIVE THAN THOSE WHICH I PROPOSED.

DURING THE DEBATE AT THE HAMILTON-WENTWORTH REGIONAL COUNCIL BOTH THE PRINCIPLE OF ALLOWING SPEAKERS AND THE SPECIFICS OF THE MOTION WERE DEBATED. IT WOULD APPEAR FROM COMMENTS MADE THAT THE MOTION WAS LOST BECAUSE MOST COUNCILLORS WERE OPPOSED TO EITHER THE PRINCIPLE OF THE QUESTION OR THE SPECIFICS OF THE QUESTION OR BOTH.

MOST MUNICIPALITIES SET A TIME LIMIT ON SPEAKERS OF TEN MINUTES. MY PROPOSAL TO ALLOW FIVE MINUTES PER SPEAKER WOULD APPEAR TO BE TOO RESTRICTIVE AND SHOULD BE CHANGED TO REFLECT A MORE REASONABLE AMOUNT OF TIME TO EXPRESS ONE'S OPINION.

IT IS INTERESTING TO NOTE THAT A COMMON TYPE OF PHRASEOLOGY IS USED BY NINE MUNICIPALITIES. WHILE THIS WORDING IS NOT EXACTLY THE SAME IN EACH CASE, THE WORDING IS EXTREMELY SIMILAR IN NATURE.

THE WORDING IS AS FOLLOWS:

"DEPUTATIONS - PERSONS DESIRING TO VERBALLY PRESENT INFORMATION ON MATTERS OF FACT OR MAKE A REQUEST OF COUNCIL ON GIVING NOTICE TO THE CLERK NOT LESS THAN FORTY-EIGHT HOURS BEFORE THE COMMENCEMENT OF THE MEETING OF THE COUNCIL MAY BE HEARD ON LEAVE OF THE COUNCIL, BUT SHALL BE LIMITED IN SPEAKING TO NOT MORE THAN TEN MINUTES EXCEPT THAT A DEPUTATION CONSISTING OF MORE THAN FIVE PERSONS SHALL BE LIMITED TO TWO SPEAKERS, EACH LIMITED TO SPEAKING NOT MORE THAN TEN MINUTES."

THE MUNICIPALITIES THAT EMPLOY THIS TYPE OF WORDING INTO THEIR BY-LAWS ARE:

- DISTRICT MUNICIPALITY OF MUSKOKA
- REGIONAL MUNICIPALITY OF YORK
- CITY OF MISSISSAUGA
- REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK
- REGIONAL MUNICIPALITY OF PEEL
- REGIONAL MUNICIPALITY OF WATERLOO
- REGIONAL MUNICIPALITY OF DURHAM
- CITY OF KITCHENER
- CITY OF NORTH YORK

R E P L I E S

F R O M

M U N I C I P A L I T I E S

T H A T A L L O W P U B L I C P R E S E N T A T I O N S

B E F O R E C O U N C I L

D I S T R I C T M U N I C I P A L I T Y O F M U S K O K A



DISTRICT MUNICIPALITY OF MUSKOKA

PINE STREET, P.O. BOX 1720, BRACEBRIDGE, ONTARIO P0B 1C0
TELEPHONE (705) 645-2231

82.04.02

Mr. Brian Hinkley,
Alderman, Ward 3,
City of Hamilton,
71 Main Street West,
Hamilton, Ontario.
L8N 3T4

Dear Mr. Hinkley :


This will acknowledge receipt of your letter of March 23rd in which you asked to be advised whether the District of Muskoka permits the public to address the whole Council.

Under Section 36 of the District's Procedure By-law, a copy of which is attached, persons desiring to present information on matters of fact or make a request of Council may, on giving notice to the Clerk of not less than 48 hours before the commencement of the meeting of Council be heard on leave of Council. The District of Muskoka receives only a small number of requests each year and has not, to my knowledge, experienced any difficulties.

Yours very truly,

BJC/jc

encl.


B. J. Chandler,
District Clerk.

36. Deputations - Persons desiring to verbally present information on matters of fact or make a request of Council on giving notice to the Clerk not less than forty-eight hours before the commencement of the meeting of the Council may be heard on leave of the Council, but shall be limited in speaking to not more than ten minutes except that a deputation consisting of more than five persons shall be limited to two speakers, each limited to speaking not more than ten minutes.

REGIONAL MUNICIPALITY OF YORK

April 2, 1982

Alderman Brian Hinkley
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3V9

In reply to your letter of March 23, 1982, I must unfortunately advise that the Regional Council does permit the public to address Council. This is provided for in our by-law governing the proceedings of Regional Council as follows:

Order of Business

The routine order of business for the ordinary meetings of the Council shall be as follows:

- Minutes of previous meetings
- Communications
- Deputations
- Petitions
- Committee reports
- Unfinished business
- By-laws
- Motions
- Notice of Motion, and
- Other business

And all business shall be taken up in the order of routine in which it stands as shown on the agenda, unless otherwise decided by the concurring vote of the majority of the Members of the Council.

Deputations

Persons desiring to verbally present information of matters of fact or make a request of Council, shall on giving notice to the Clerk not less than forty-eight hours before the commencement of the meeting of the Council, may be heard on leave of the Council, but shall be limited in speaking to not more than ten minutes, except that a deputation consisting of more than five persons shall be limited to two speakers each limited to speaking not more than ten minutes.

Alderman Brian Hinkley
April 2, 1982
Page 2

The Regional Council has never refused anyone to address it, whether they have complied with the rules or whether a person has shown up at a meeting and asked a member of Council to intercede on his behalf to permit him to address the Council.

The Regional Council for several years had a problem with the public addressing our Health and Social Services Committee, and our Planning Committee. The public would not obtain a decision which it wanted at the committee and would then appear before Council with no new information, but make the same presentation. Council would refer the matter back to the committee, where once again the same presentation would be made. A recommendation would be forwarded to Council by the committee for a second time and the public would address Council again. This practice is not as evident now, but does sometimes still happen.

Personally, I don't believe the public should address council if the council operates on a committee system. Council has delegated to committees the tasks of dealing with specific matters and it is at the committee level that I believe deputations and the right to speak to the matter should be considered. Having heard the public, the committee can then make its recommendations to council. It is also at this time that staff are present to deal with matters on the agenda. Although our Commissioners are present at council meetings their files on the matters on the agenda are not always there, especially if a deputation is added to the agenda and heard by Council. Frankly, if I were a committee member having been appointed to deal with matters before the committee, heard a deputation and voted on a recommendation to council, I would take it as an insult to my ability as a councillor to make a recommendation if the council heard the deputation at that stage. Why waste the time of the committee members, if the council will also hear deputations?

I trust the policy of my Regional Council and my comments may be of some interest to you.



ROBERT N. VERNON, A.M.C.T., C.M.C. - REGIONAL CLERK

RNV/caw

CITY OF MISSISSAUGA

Terence L. Julian, A.M.C.T., C.M.C.
City Clerk



Leonard M. McGillivray
Deputy City Clerk

April 6, 1982

OFFICE OF THE CLERK

Attention: Alderman Brian Hinkley, Ward 3

The Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario, L8N 3T4

Re: Procedure to Address Council
File: A.03.00

Dear Alderman Hinkley:

Thank you for your letter of March 23, 1982, with respect to the procedures followed by the Council of The Corporation of the City of Mississauga for members of the public wishing to address City Council.

In accordance with our Procedural By-law, persons wishing to address Council to verbally present information or make a request may be heard on leave of Council. Deputants are requested to limit presentations to ten minutes, and where a deputation consists of more than five persons, the number of speakers is limited to two, each restricted to ten minute ruling. The time limitations may be extended upon leave of Council.

The priority in which deputations are heard is as follows:

- (a) listed deputations arranged for prior to distribution of agenda,
- (b) deputations who have applied to the City Clerk for permission to address Council subsequent to the preparation of the agenda but prior to the commencement of the meeting,
- (c) all other deputations who appear at a meeting without prior notice.

Persons may address General Committee (Committee of the Whole) by requesting same of the City Clerk. While only those deputations listed on the agenda are heard, at the discretion of Committee, other deputations may be heard on any item appearing on the agenda.

Alderman Brian Hinkley
April 6, 1982

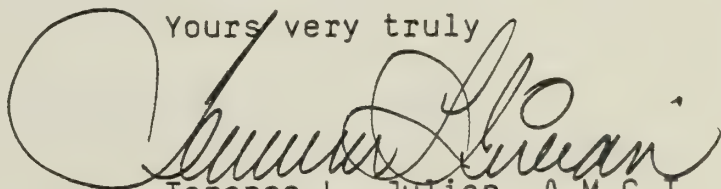
It is the policy of my office that deputations before either Council or General Committee submit a letter detailing the presentation to be made, and clearly explaining any request. That letter is then forwarded to the appropriate Department Head for comments and/or recommendations. The response from the Department Head is circulated to all Members of Council prior to or at the time of the deputation.

It has been my experience that deputations are often of a public relations nature, i.e. the kick-off of a publicity campaign, or presentations to the Mayor and/or Members of Council. When a member of the public wishes to address a specific issue, i.e. snow clearing, sidewalk construction, rather than addressing Council, we encourage the deputation to appear before General Committee where there is greater freedom of debate and rules of procedure are less strict. The deputation is scheduled when a report is available from the appropriate Department Head.

This forum is often used by the development industry as a means to expedite processing of applications, i.e. requests that a by-law be enacted to change zoning, or to authorize execution of agreements, etc.

I trust that this information will be helpful to you in your deliberations in this regard. If I can be further assistance, please contact me at your convenience.

Yours very truly

A large, stylized handwritten signature in dark ink, appearing to read "Terence L. Julian".

Terence L. Julian, A.M.C.T., C.M.C.
City Clerk

REGIONAL MUNICIPALITY OF
HALDIMAND-NORFOLK

The Regional
Municipality
of
HALDIMAND-NORFOLK



REGIONAL ADMINISTRATION BUILDING

P.O. BOX 2002
CAYUGA, ONTARIO N0A 1E0

TELEPHONE: (416) 772-3337—CAYUGA
(519) 428-0150—SIMCOE

OFFICE OF THE CLERK
MRS. M.L. JOHNSTON, A.M.C.T., C.M.C.

April 5, 1982.

Mr. Brian Hinkley,
Regional Councillor,
The Regional Municipality of
Hamilton-Wentworth,
P.O. Box 910
119 King Street West,
Hamilton, Ontario.
L8N 3V9

Dear Mr. Hinkley:

Re: Deputations to Council

Following is a quotation from the Regional Procedural By-Law regarding Deputations:

"Persons desiring to verbally present information on matters of fact or make a request of Committee shall on giving notice to the Clerk not less than five (5) days before the commencement of the meeting of the Committee responsible may be heard on leave of the Committee, but shall be limited in speaking to not more than 10 minutes except that a deputation consisting of more than five (5) persons shall be limited to two (2) speakers each limited to speaking not more than ten (10) minutes."

"If any petitioners or deputations feel they have not been satisfactorily heard at the Committee level they may proceed according to the same procedures to be heard at Council."

Of our standing Committees, the Committee that receives the most public participation is the Planning and Development Committee. This fact was recognized early in 1974, and due to the volume of applications processed at each meeting of that Committee, a separate but related policy was passed by Council. While endorsed as a policy for the Planning and Development Committee, the same policy has been used by all standing Committees. The policy reads:

..2

PAGE 21

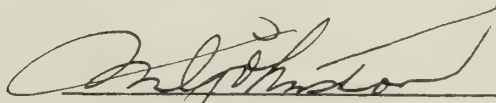
"As Amended:

1. No delegations shall be entertained unless prior notice is given to the Clerk and notice of their attendance is placed on the Agenda.
2. Any delegation wishing to appear at a P & D Committee meeting shall advise the Clerk six working days previous to the subject meeting.
3. No delegation shall speak to the subject more than 15 minutes.
4. No members of the public attending the P & D Committee meeting shall be permitted to address the Committee.
5. All owners of land or their representative who have a bona fide application before the Committee may appear at the Committee meeting at which their application is being considered and shall be permitted to address the Committee on permission of the Chairman on matters pertaining directly to their application.
6. Each applicant shall be given notice of the date of the P & D Committee consideration of his application."

There have been further refinements to the delegation process over the years, however, said refinements have been administered by understanding with Council, and same have not been formally committed to policy. Should you require any further information regarding the topic, please do not hesitate to contact this office.

Yours truly,

OFFICE OF THE REGIONAL CLERK



(Mrs.) M.L. Johnston, A.M.C.T., C.M.C.,
Regional Clerk.

MLJ:jc

REGIONAL MUNICIPALITY OF
PEEL



The Regional Municipality of Peel

April 2, 1982.

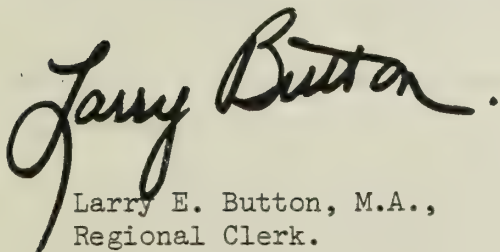
Mr. Brian Hinkley,
Alderman, Ward 3,
City Council,
City of Hamilton,
71 Main Street West,
HAMILTON, Ontario,
L8N 3T4.

Dear Sir,

Subject: Procedure to Address
the Whole of Council

In response to your letter of March 23, 1982, enclosed is a copy of the relevant section of the Region of Peel's Procedural By-law. From this you will note that Regional Council does indeed hear delegations subject, of course, to the requirements as set out. Council, of course, does have the authority to waive these requirements and has on several occasions agreed to hear members of the public who have not complied with the requirements for prior notification. Also, on several occasions, Council has given members of the public an opportunity to appear both before a Standing Committee and before Council at a subsequent meeting.

We have operated under this procedure since the Region's inception and have experienced no administrative problems. Overall we have found the system works quite well.


Larry E. Button, M.A.,
Regional Clerk.

LEB:adeg



SECTION

COUNCIL RELATED POLICIES

CURRENT
ISSUE
DATEY M D
80 10 15

1-1-15 PETITIONS, COMMUNICATIONS, REPORTS AND BY-LAWS

.1 contd.

- b) Every petition or communication shall be delivered to the Clerk not less than forty-eight (48) hours before the commencement of the meeting of the Council and if in the opinion of the Chairman it contains any obscene or improper matter or language, the Chairman shall decide whether it should be included in the agenda for a Council meeting. Deliver to Clerk
- c) Subject to the decision of the Chairman under clause (b) above the Clerk shall read the substance thereof to the Council but any Member may require the reading of part or all thereof. Read to Council
- d) All petitions or communications on any subject within the cognizance of a Standing Committee shall on presentation, unless otherwise disposed of by Council forthwith, be considered as referred to the appropriate Committee as the case may be without any motion or debate unless otherwise ordered by Council. Referral to Standing Committee

(9-1974)

- .2 Delegations - Persons desiring to verbally present information on matters of fact or make a request of Council shall give notice to the Clerk not less than seven (7) days before the commencement of the meeting of the Council unless their presentation relates to a report before Council, in which case the notice required shall be forty-eight (48) hours and such persons may be heard on leave of the Chairman or other presiding Officer of Council, but shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers each limited to speaking not more than ten (10) minutes.

Delegations

(9-1974)

.3 Committee reports -

Committee Reports

- a) shall not be received by the Council unless received by the Members in accordance with Section 1-1-9.6(a);
- b) May be recommitted to the same or a different Committee.

(9-1974)

REGIONAL MUNICIPALITY OF
WATERLOO

March 29, 1982

Alderman Brian Hinkley
Hamilton City Council
c/o City Clerk's Office
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir:

Re: Procedure to Address the Whole of Council

The Council of the Regional Municipality of Waterloo routinely hears delegations as part of its regular meeting agenda, although public presentations may not be allowed during special meetings such as a budget session. A sample Council agenda listing is enclosed and you will notice that the items captioned 'Delegations' and 'Petitions' precede the motion for Council to go into Committee of the Whole.

This Region's Procedural By-law states that:

Delegations - Persons desiring to verbally present information on matters of fact or make a request of Council shall give notice to the Clerk not less than forty-eight (48) hours before the commencement of the meeting of the Council and may be heard on leave of the Chairman or other presiding officer of Council, but shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers each limited to speaking not more than ten (10) minutes.

.../2

The required notice may be a verbal one and, in practice, persons failing to meet the 48-hour deadline may be heard at the discretion of the Chairman and Council. A copy of our Procedural By-law No. 26-75 is enclosed. Section 22.3 and 22.4 (pages 12 and 13) address the topics of "Petitions and Communications" and "Delegations", respectively.

Should you wish any additional information, please do not hesitate to contact me.

Yours truly,

JTM/kg
Encl.

(Miss) J.T. McIntosh
Committee Clerk

THE REGIONAL MUNICIPALITY OF WATERLOO

COUNCIL AGENDA

DATE: Thursday, March 25, 1982

TIME: 11:00 A.M. - ACCOMMODATION COMMITTEE
Room 418

12:00 NOON - Luncheon (Councillors' Lounge)

12:30 P.M. - PERSONNEL COMMITTEE
Room 418

2:00 P.M. - REGIONAL COUNCIL

PLACE: Council Chambers, 4th Floor
20 Weber St. East, Kitchener

1. PRAYER

2. ROLL CALL

3. MINUTES OF PREVIOUS MEETINGS

- a) Council - March 11, 1982
- b) Planning & Development - March 16, 1982
- c) Health & Social Services - March 17, 1982
- d) Children's Services - March 17, 1982
- e) Engineering - March 18, 1982
- f) Licensing - March 9, 1982

4. COMMUNICATIONS

5. DELEGATIONS

- a) Mr. Warren Stauch, President and Mrs. Alison Jackson, Vice-President - Doon Pioneer Village re: RC-82-1 "Future of Doon Pioneer Village".

Mr. James Bauer, Chairman - G.R.C.A. will be present to participate in discussion or answer any questions as required.

- b) Mr. Les Rudrum, President, Waterloo Regional Safety Council. Re: Item 1 of E-82-6.

6. PETITIONS

The Regional Municipality of Waterloo

Procedural By-law No. 26-75

22.3 Petitions and Communications

(a) Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any impertinent or improper matter or language and shall be signed by at least one person and filed with the Clerk;

(b) Every petition or communication shall be delivered to the Clerk not less than forty-eight (48) hours before the commencement of the meeting of the Council and if in the opinion of the Chairman it contains any impertinent or improper matter or language, the Chairman shall decide whether it should be included in the agenda for a Council meeting;

(c) Subject to the decision of the Chairman under paragraph (b) hereto, the Clerk shall read the substance thereof to the Council but any Member may require the reading of part or all thereof;

(d) All petitions or communications on any subject within the cognizance of a Standing Committee shall on presentation unless otherwise disposed of by Council forthwith be considered as referred to the appropriate Committee as the case may be without any motion or debate unless otherwise ordered by Council.

22.4 Delegations

Persons desiring to verbally present information on matters of fact or make a request of Council shall give notice to the Clerk not less than forty-eight (48) hours before the commencement of the meeting of the Council and may be heard on leave of the Chairman or other presiding officer of Council, but shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers each limited to speaking not more than ten (10) minutes.

REGIONAL MUNICIPALITY OF
DURHAM



The Regional
Municipality
of Durham

Clerks Department

April 13, 1982

605 Rossland Road East
P.O. Box 623,
Whitby, Ontario
Canada, L1N 6A3
(416) 668-7711

Alderman Brian Hinkley
City of Hamilton
City Hall
71 Main Street West
HAMILTON, Ontario
L8N 3T4

C.W. LUNDY, A.M.C.T.
Regional Clerk

Procedure to Address the Whole of Council

Alderman Hinkley, I reply to your letter dated March 23, 1982 with regard to the above matter and apologize for the delay.

The Council of the Regional Municipality of Durham does permit the public, subject to our Rules of Procedure, to address the whole of Council, which in my opinion has not caused any problems or administrative difficulties.

Enclosed for your information is a copy of Section 21.4 of our Rules of Procedure regarding Delegations.

C.W. Lundy, A.M.C.T.
Regional Clerk

CWL:jml

Enc

(d) All communications on any subject within the cognizance of a Standing Committee shall, on presentation unless otherwise disposed of by Council, be considered as referred to the appropriate Committee as the case may be without any motion or debate unless otherwise ordered by Council.

21.4 Delegations - Persons desiring to verbally present information on matters of fact or to make a request to Council shall give written notice to the Clerk not less than forty-eight (48) hours before the commencement of the meeting of Council. Delegations may be heard provided they have first appeared before the appropriate Committee of Council and a majority of the members present vote to hear the delegation. The delegations shall be limited to speak not more than ten (10) minutes except a delegation consisting of more than five (5) persons shall be entitled to two (2) speakers with each limited to speak not more than ten (10) minutes.

21.5 The Members of Council shall, following disposition of each Committee report in the agenda, be allowed to question the Chairman of each Standing Committee on matters not necessarily included in the minutes of the Committee or the report of such Committee. Each Member of Council shall be entitled to ask one (1) question only until all Members have had an opportunity to ask a question at which time a Member may ask a second question.

21.6 Unfinished Business - The items listed in the order set out in the agenda of the previous meeting which have not been disposed of by Council and the date of initial appearance in the agenda, shall be noted and repeated in each subsequent agenda until removed from the agenda by resolution of Council.

CITY OF KITCHENER

City of Kitchener

EX INDUSTRIA PROSPERITAS



R. W. PRITCHARD, A.M.C.T., C.M.C.
COMMISSIONER OF GENERAL SERVICES
AND CITY CLERK

City Hall, Box 1118
Kitchener, Ontario, Canada
Postal Code N2G 4G7
(519) 885-7242

March 29, 1982

Alderman Brian Hinkley
City Hall
Hamilton, Ontario

Dear Alderman Hinkley:

Re: Procedure to Address the Whole of Council

Kitchener City Council's policy in hearing delegations is to allow any delegation appearing before the whole of the Council to address it on any subject whatsoever. While delegations are encouraged to register prior to the preparation of the agenda so that their names may appear thereon, it is not uncommon for the majority of delegations to register with the Page on the evening of the said Council meeting.

The City's Procedural By-law provides that no delegation is allowed to address City Council for a period of time greater than 10 minutes. However, where a delegation consists of 5 or more persons it may be permitted to have two spokesmen addressing the Council in which event each of such spokesman shall be limited to speaking for not more than 10 minutes.

Prior to the hearing of delegations the presiding officer announces the 10 minute time limitation. Each delegation is timed by either the undersigned or a member of my staff following which the gavel is rapped. On occasion, City Council will allow the delegation to continue but in a good number of instances they are given only perhaps 30 seconds to summarize their presentation.

On two or three occasions throughout the year, we find that due to the number of delegations, City Council does not commence its consideration of the Council agenda until perhaps 11:30 or 11:45 p.m. As noted, however, this is not the general rule and the attendance of delegations before City Council does not seem to pose a major problem.

I trust this information will be of assistance to you.

Yours very truly,


R.W. Pritchard

Commissioner of General Services & City Clerk

CITY OF NORTH YORK



CITY OF NORTH YORK

5100 YONGE STREET
WILLOWDALE
ONTARIO
M2N 5V7

Reply attention of

Mr. A.R. Williams

Telephone (416) 224-6074

File No. 34

CLERK'S DEPARTMENT

March 29, 1982.

Mr. Brian Hinkley
Alderman, Ward 3
City Council
City Hall
71 Main Street West
HAMILTON, Ontario
L8N 3T4

Dear Sir:

Re: Procedure to Address the
Whole of Council

In response to your letter of March 23, 1982, addressed to the Clerk, Mr. E. Roberts, I attach an excerpt of Items 18 and 19 of North York Council's Procedure By-law relating to deputations before Council.

Council does not adhere strictly to the latter part of Item 19 by limiting deputations to two speakers of the same interest in the matter particularly when dealing with public hearings on Planning matters, as they usually hear from all persons wishing to address Council.

On occasion, Council has directed that a public hearing be held at a specific meeting at a stated time or subsequent meeting at a date and time to be established by the City Clerk. It could be a matter on the Council Agenda proper or a matter in the Board of Control or Standing Committee Reports. Sometimes a person will attend the Council meeting and request to speak to an item in one of these reports and Council, by a majority vote, will allow that person to address Council.

..... 2

Mr. B. Hinkley

March 29, 1982

I also attach a copy of pages 5 and 6 of Council Agenda for the meeting held February 22, 1982, which will give you some idea as to how the items appear on the Agenda, where a public hearing has been called and notices given to persons concerned with such items.

By having the matter of addressing Council set up in this way, it helps to minimize any administration difficulties and possible criticism by some Members of Council as Council, because of its procedures, would have authorized those persons to address Council.

Yours truly,



A.R. Williams,
Administrative Assistant
to the Clerk.

ARW:eg
att.



CITY OF NORTH YORK

5100 YONGE STREET

NORTH YORK

ONTARIO

M2N 5W7

EXCERPT FROM PROCEDURE BY-LAW RE DEPUTATIONS

- "18. No deputation, other than persons entitled by Statute to be heard or persons invited by notice, authorized by Council, shall be allowed to address the Council unless a motion to hear such deputation is passed by the affirmative vote of the members of Council present.
19. Subject to the provisions of Paragraph 18, persons who are allowed to address Council shall be limited in speaking for not more than 10 minutes, except that a deputation shall be limited to two speakers of the same interest in the matter."

REGIONAL MUNICIPALITY OF
HALTON



THE REGIONAL MUNICIPALITY OF HALTON

Office of the Chief
Administrative Officer

P.O. BOX 7000
1151 BRONTE ROAD
OAKVILLE, ONTARIO L6J 6E1
416/827-2151

82 04 30

Mr. Brian Hinkley
Alderman, Ward 3
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Hinkley:

I acknowledge receipt of your letter dated March 23, 1982, inquiring into our procedure to permit members of the public to address Regional Council.

I apologize for the delay in responding to your request, but as you may be aware, the position of Regional Clerk has been vacant for some time and your letter has just been brought to my attention.

Basically, our Procedure By-law provides that persons or groups may address Regional Council providing the request to address Council has been received five working days prior to the meeting. By a majority vote, Regional Council can waive the requirement for five days' notice if it deems the circumstances warrant.

Depending upon the subject matter, Halton tries to direct delegations to the appropriate Standing Committee, but once again, there are circumstances when only the Council as a whole can deal with a matter, for instance, an appeal from a decision of a Standing Committee and its recommendation to Council.

Attached is the appropriate section of our Procedure By-law which sets out how delegations are dealt with. It is a regular occurrence for delegations to be heard at Council, and to the best of my knowledge, no administrative difficulties have been encountered.

I trust this is the information you require, but if you have any further questions, please do not hesitate to call. The Region of Halton's Hamilton number is 639-4540 and I can be reached at extension 354.

Yours very truly

David J. Varley
Regional Clerk

DJV:ps
Attach.

BURLINGTON

639-4540

HALTON HILLS
ACTON

853-0501

HALTON HILLS
GEORGETOWN

878-8113

MILTON

878-8113

OAKVILLE

827-2151 PAGE 35

DELEGATIONS

22. (a) Any person, group of persons, firm or organization not being a member of the Council or the Committee concerned or an appointed official of the Regional Municipality of Halton, who wishes to address the Council or the Committee, as the case may be, may be heard by leave of the Council or Committee concerned provided that such persons shall deliver to the Clerk a request in writing setting out the particulars of the matters on which he, the group, the firm or the organization, as the case may be, wishes to address the Council or the Committee, at least (5) working days before the date of the meeting of the Council or the Committee.
- (b) Every such Delegation shall be limited to ten (10) minutes for speaking to the Council or the Committee unless approval of the Council or the Committee, as the case may be, is obtained by the Presiding Officer to the extending of the speaking time for the Delegation concerned.
- (c) Notwithstanding subsection (a) above, the Council or the Committee, as the case may be, may by majority vote waive the requirement for five (5) working days' notice in order to allow Delegations to be heard at the Council Meeting or Committee Meeting Concerned.
- (d) Depending on the situation in question, Delegations shall be encouraged by the C.A.O. and the Clerk to appear before the appropriate Standing Committee prior to appearing before Council.

CITY OF OSHAWA



OFFICE OF THE CITY CLERK
THE CORPORATION OF THE CITY OF OSHAWA

R. A. HENDERSON, A.M.C.T.
City Clerk

Telephones
(416) 725-7351
924-2566-7-8 (Toronto)

50 CENTRE STREET SOUTH
OSHAWA, ONTARIO
L1H 3Z7

B. C. SUTER, A.M.C.T.
Deputy City Clerk

1982 04 23

Alderman Brian Hinkley
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

RE: Procedure to address the whole of Council

Alderman Hinkley, I write in response to your enquiry by letter dated March 23, 1982 with respect to the above-referenced topic. If I interpret your letter and attachment thereto correctly, what you are referring to is what is generally known as a public enquiry or public participation section of the formal Council meeting. If this is the case, then my response to your enquiry is that Oshawa City Council does not have provision for such representation.

However, for matters of business properly before Oshawa City Council representation by concerned parties is provided for under Council's rules and regulations as adopted by By-law 126-75, as amended. Pertinent sections of the rules and regulations are as follows:

5. Subject to the Municipal Act, a person not a member of Council shall not be allowed to address the Council except upon invitation of the Council.
- 56 (1.) All petitions or communications on any subject within the cognizance of the Executive Committee or any Standing Committee shall on presentation be referred to the proper board or committee by the chairman, unless otherwise ordered by Council.
- (2.) The City Clerk shall be authorized to forward copies of correspondence for City Council to the Standing and Special Committees concerned with the subject matter of such correspondence, for the attention of the respective committees, upon receipt of such correspondence.
- (3.) All deputations shall first appear before the Committee having charge of the matter, and appearance before Council would be only after all efforts to deal with or arrive at a solution on the subject matter have failed.

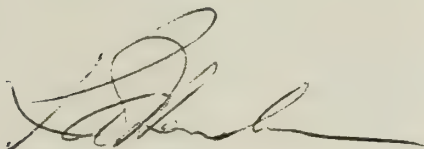
- 2 -

Summarizing, matters of business or concerns of the public must first be submitted in writing to the City Clerk as Council correspondence for review and recommendation of the appropriate committee of Council. Where desired, representation may be made by the concerned parties to the committee of Council. If a resolve is not satisfactorily arrived at at the committee level, then the concerned party has the right to submit a further letter to the City Clerk requesting permission to address Council in whole at the time the committee recommendation comes forward.

Of course, as with any body such as a municipal council, exceptions to the rule always exist. Generally speaking, the City of Oshawa has experienced few problems with respect to procedures and any suggestions of a fully open public session of a general nature have quickly been turned aside by Council in the past.

I hope the foregoing information will be of assistance to you.

Yours truly



R. A. Henderson, A.M.C.T.
City Clerk

RAH/dh

CITY OF KINGSTON



CORPORATION OF THE
CITY OF KINGSTON

OFFICE OF THE City Clerk
Our Ref. No. 3-6

CITY HALL
KINGSTON, ONTARIO
K7L 2Z3
(613) 546-4291

April 23, 1982

Alderman Brian Hinkley
c/o City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Alderman Hinkley:

Re: Procedure to Address the
Whole of Council

I acknowledge receipt of your letter dated March 23, 1982.
Please be advised that Council permits the public to
address it in accordance with the enclosed rules.

My comments concerning the Notice of Motion would be
that if the Council had wished delegations to speak to
it, the rules would have been very comprehensive and
the idea of including a limit as to the number of presenta-
tions per agenda is also a good one.

Yours truly,

M. C. Healy
City Clerk

:dkm

enclosure

RULES AND PROCEDURES FOR DELEGATIONS
TO THE
COUNCIL OF THE CORPORATION OF THE CITY OF KINGSTON

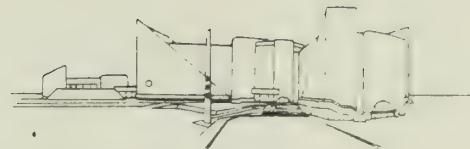
(By-Law No. 1, 1979, Section 32)

- A. When any person or persons, not being a member of Council nor an appointed official, desire to address the Council, he or she shall be permitted to do so, provided the Clerk is notified in writing on or before 4:30 o'clock in the afternoon on the Thursday preceding the day of the regular meeting or on or before 4:30 o'clock in the afternoon on the Wednesday preceding said meeting if Thursday is a public or civic holiday.
- B. Upon receipt of a request as indicated in Section 32(A) the Clerk shall in writing confirm to the delegation the time and place at which the delegation will address Council and also enclose the rules and procedures as relates to delegations.
- C. A delegation may address the Council through one spokesman for a period not exceeding ten minutes during any Council meeting.
- D. All persons initiating an application to Council shall be heard first. After any delegations in opposition are heard the Mayor or presiding officer may at his discretion grant the right to reply to the original petitioner. The time for reply shall be limited to five minutes.
- E. Members of Council shall not ask any questions until all delegations and the Administration have been heard either in support of or in opposition to a matter on the agenda or before Council. Thereafter, the members of Council may question the delegations or any appointed official.
- F. Requests from delegations for any expenditure of funds can only be decided upon by Council at an ensuing meeting of Council.
- G. Delegations will, wherever possible, file a written submission with the Clerk for prior distribution with the Agenda to members of Council.
- H. Exceptions to section 32 may be made on a simple majority vote of the members of Council who are present.
- I. Delegations shall be advised that they may make presentations either in the Council Chamber or in another location.

B O R O U G H O F S C A R B O R O U G H

J.J. Poots, A.M.C.T.
Borough Clerk

J.W. Nigh, A.M.C.T.
Deputy Borough Clerk



Borough of Scarborough

150 Borough Drive
Scarborough, Ont. M1P 4N7
Refer to J. W. Nigh Telephone (416) 296-7279

March 31, 1982

Mr. Brian Hinkley,
Alderman, Ward 3,
City of Hamilton,
71 Main Street West,
Hamilton, Ontario L8N 3T4.

Dear Mr. Hinkley:

In reply to your letter of March 23, 1982, I am pleased to enclose a copy of our Procedure By-law. Sections 3 and 4 contain the provisions respecting persons addressing Council and its Committees. You will note that any delegation is only permitted to address Council on a matter appearing on the agenda.

In addition to the provisions in the Procedure By-law, Council has adopted a procedure whereby the Clerk, immediately prior to the start of a Council meeting, takes the names of any persons wishing to address the Council on any matter on the agenda. A copy of this list is given to each member of Council. These persons are usually heard by Council, subject to the same rules as exist in the Procedure By-law, limiting an address to ten minutes.

I am also enclosing a copy of an information sheet which is available to the public and which outlines the provisions of the Procedure By-law relating to addressing Council and its Committees.

Yours truly,

J. J. Poots,
Clerk.

JWN:MON
Encls.

SPEAKING TO YOUR SCARBOROUGH COUNCIL (AND ITS COMMITTEES)

The Council of the Borough of Scarborough has passed a procedure by-law which establishes the Council-Committee structure and provides the rules of procedure for both Council and its Committees:

- All matters are first considered by the appropriate committee or by Board of Control
- Committee recommendations are considered by Board of Control and then forwarded to Council, while
- Board of Control recommendations go directly to Council.

Any person desiring to place a matter before Council and appear as a delegate, should direct a letter to the Borough Clerk: —

J. J. Poots, A.M.C.T., C.M.C.
150 Borough Drive
Scarborough, Ontario
M1P 4N7,

outlining the request. The matter will be placed on an agenda and the person will be advised.

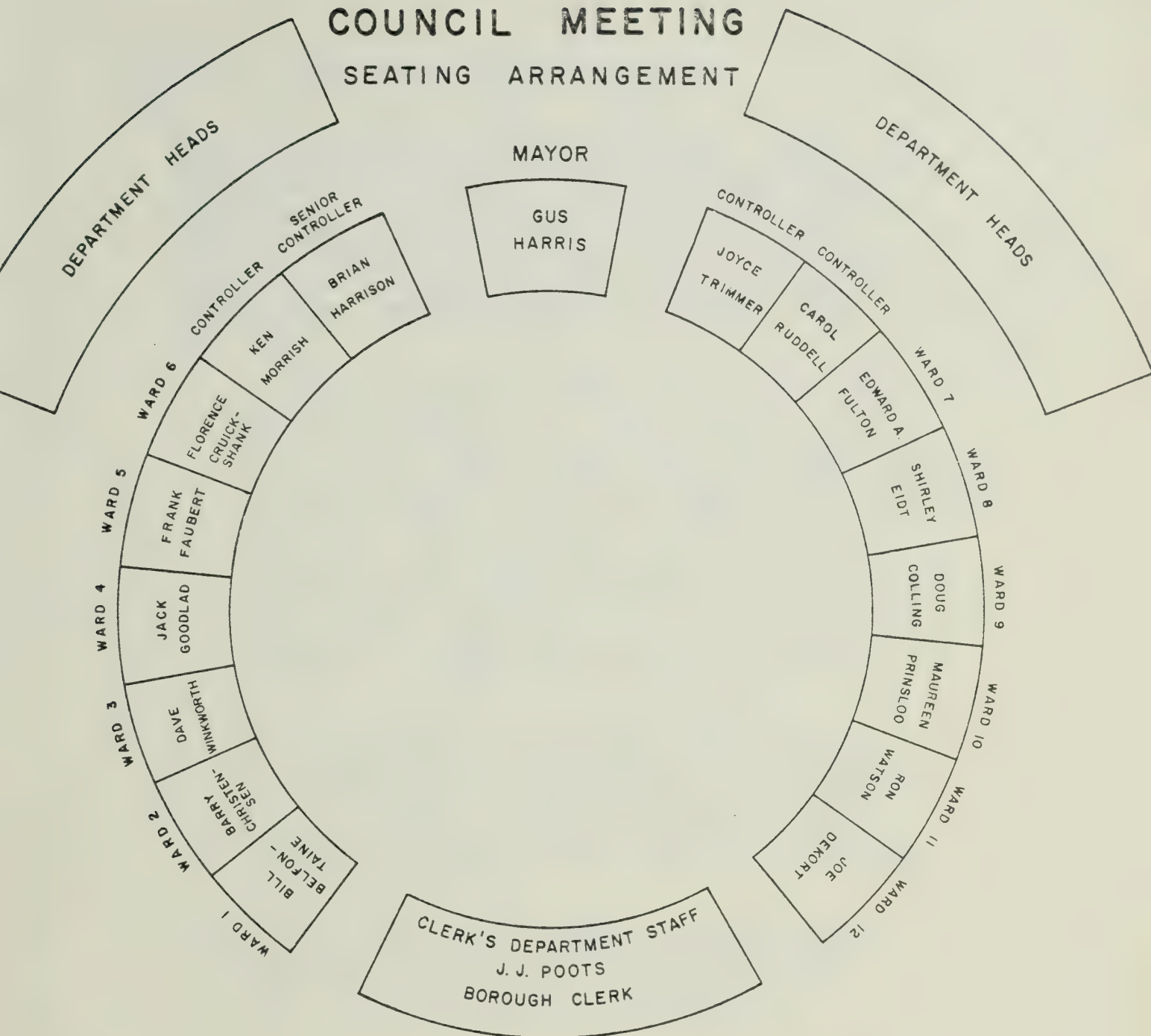
If the matter is under the jurisdiction of a committee, initial representation may, if so requested, be made at the committee meeting. Representation may also be made, by request, at the Board of Control meeting and the Council meeting, as they consider the committee recommendations.

If the matter is within the jurisdiction of Board of Control, the representation can be to both Board of Control and Council.

Meetings of committees and Board of Control are generally less formal than meetings of Council. Presentations to Council are limited to 10 minutes per delegation, with a maximum of two spokesmen. Care should be taken to ensure that each presentation contains all the desired detail as, (except for replying to questions from Council), no further submission or questions are permitted.

COUNCIL MEETING

SEATING ARRANGEMENT



Presentations to Council are limited to 10 minutes per delegation, with a maximum of two spokesmen. The Mayor will indicate when Council has recognized a spokesman for a delegation. Please address the Chair at all times. Care should be taken to ensure that each presentation contains all the desired detail as, except for replying to questions from Council, no further submission or questions are permitted.

3. Except as provided by law, a person not a member of Council shall not be allowed to address Council except upon approval of Council. Any person desiring to be heard shall submit a request in writing to the Clerk prior to the printing of the Agenda of the meeting at which said person desires to be heard. The written request shall state the nature of the business to be discussed. Persons addressing Council shall confine their remarks to the stated business.
4. (1) All persons shall be heard initially by the appropriate Committee of Council or by the Board of Control. A written request stating the nature of the business shall be submitted to the Clerk prior to the printing of the agenda for the meeting at which the matter will be discussed. The Clerk may, prior to placing the matter on an agenda, refer it to the appropriate Department Head for a report. Persons addressing a Committee or Board of Control shall confine their remarks to the stated business. A Committee or Board of Control may hear any person at its discretion.
- (2) Notwithstanding the foregoing, the Council may be addressed by a person, who on their own behalf or as a spokesman for a delegation, has not appeared before a Committee or the Board of Control in respect of an item before Council and appearing on a report of a Committee or Board of Control.
- (3) A person addressing Council may speak for not more than ten (10) minutes except with the permission of Council. Council may permit more than one spokesman per delegation.

CITY OF BURLINGTON



The Corporation of the City of Burlington

March 30, 1982

City Hall:
426 Brant Street, Burlington, Ontario, Canada
Mailing Address:
P.O. Box 5013, Burlington, Ontario, Canada L7R 3Z6

Telephone: 54-2
File No.:

Alderman Brian Hinkley,
City Hall,
71 Main Street, West,
Hamilton, Ontario.
L8N 3T4

Dear Alderman Hinkley:

Subject: Procedure to Address the Whole of Council

This will acknowledge receipt of your letter dated March 23, 1982, enquiring as whether the City of Burlington permits the public to address the Whole of Council.

Attached hereto please find copy of Page 1 and 2 of By-law Number 152-1980 being a by-law to provide for the rules of order of the Council and its Committees. I would particularly draw your attention to Section 5, Sub-sections 1, 2 and 3 of this By-law.


Persons requesting delegate status before City Council, are advised at the time of registration and again at the commencement of the Council meeting as follows:

- 1) That City Council allows 5 minutes for each delegation to speak at regular Council meetings.
- 2) Delegations should refrain from repeating a position.
- 3) Follow-up delegations should indicate new information only.

For your information, no problems or administrative difficulties have been experienced with the procedure presently in effect.

If I may be of any further assistance to you, please do not hesitate to contact me at 335-7749.

Yours very truly,


(Mrs.) Celia V. Brown, A.M.C.T.
COMMITTEE CO-ORDINATOR

CVB/k1

5. (1) Subject to Section 446 of The Municipal Act, a person not a member of Council shall not be allowed to address the Council on behalf of himself or a deputation except upon invitation of the Mayor or the Council.

(2) (a) Notwithstanding sub-section 1, any person who has appeared before a Committee and who is not satisfied with or not in favour of the recommendation of the Committee, may make application to the Clerk to be placed on the orders of the day to appear before the Council at the meeting at which it will be dealing with the recommendation of the Committee, providing a written brief is submitted to the City Clerk not later than noon on the Friday preceding the Council meeting.

(b) Notwithstanding sub-section 1 a person who has not appeared before a committee, but who has an interest in, or who is affected by a recommendation to be dealt with by the Council may make application to the Clerk to be placed on the orders of the day to appear before the Council at the meeting at which it will be dealing with the recommendation of the Committee, providing a written brief is submitted to the City Clerk not later than noon on Friday preceding the Council meeting, or by applying to the Clerk on the day of the meeting, in which case the Clerk will bring the request to the attention of the Mayor and Council.

CITY OF WINDSOR

J. B. ADAMAC, C.M.C.
CITY CLERK

THE CORPORATION OF THE
CITY OF WINDSOR



OFFICE OF THE CLERK

CITY HALL
WINDSOR, ONTARIO
N9A 6S1
TELEPHONE 255-6211
255-6215
IN REPLY, PLEASE REFER
TO OUR FILE NO. ACO /82

April 1, 1982

Alderman Brian Hinkley
Corporation of the City of Hamilton
71 Main Street West
HAMILTON, Ontario
L8N 3T4

RE: Procedure to address the Whole of Council

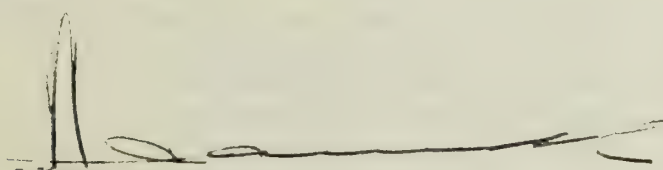
Dear Alderman Hinkley:

Thank you for your letter dated March 23, 1982, concerning the above matter. I attach for your information an abstract of Section 17 of Council's Procedure By-law which pertains to delegations.

Please note that while Section 17(1)(a) specifies a deadline of the Friday preceding the Monday Council meeting, there is some flexibility and discretion used to permit all interested parties an opportunity to be heard. Delegations address Council during that part of the public meeting when Council sits in Committee of the Whole.

I trust this information will be of some assistance to you. If you have any further questions, feel free to contact this office.

Yours very truly


J. B. Adamac
City Clerk

JBA/TL/pjp
attach

- 17.(1)(a) When any person or persons, not being a member of the Council nor an appointed official, desire to address the Council respecting any matter that is on the Council Agenda, he or they shall be permitted to do so, provided the City Clerk is notified on or before twelve o'clock noon on the Friday preceding the day of the regular Council meeting, or on the Thursday preceding such meeting if Friday is a public or civic holiday.
- (b) Notwithstanding paragraph (a) hereof, in order to expedite and allow adequate time for the proper consideration of Council business, delegations which have not made application prior to the deadline as established by this by-law for inclusion on the regular Agenda, may be heard when the particular matter about which they wish to speak comes up in the normal order of business; provided however, that this paragraph shall not apply when Council is considering objections to Restricted Area By-laws pursuant to subsection 2 of Section 38 hereof. (b/l 4490)(amended by b/l 4969 d Nov. 4/74)
- "(c) Notwithstanding paragraphs (a) and (b) hereof, no person shall be permitted to address the Council when the Council as the approving authority considers the report of the inquiry officer, pursuant to Section 8 of The Expropriations Act, R.S.O. 1970, as amended".
- (2) A delegation may address the Council through one or more spokesmen for a period not exceeding ten minutes during any Council meeting. The person presiding may, if requested by the delegation, permit the delegation one further period of up to five minutes. (b/l 4752)
- (3) All persons initiating an application to City Council shall be heard first, and after the delegations in opposition are heard, shall have the right to reply. The time for reply shall be limited to five minutes, provided however, that the person presiding may if requested by the delegation permit such delegation one further period of up to five minutes.
- (4) Members of Council shall not ask any questions until all delegations and the Administration have been heard either in support of or in opposition to a matter on the Agenda or before Council. Thereafter, the members of Council may question the delegations or any appointed official.
- (5) When an amendment to the Corporation's Restricted Area (Zoning) By-laws and/or Official Plan is before Council as a result of a recommendation of the Windsor Planning Board, delegations shall be permitted to address Council only at the same meeting when the recommendation of the said Board is before the Committee of the Whole.
- (6) When a Restricted Area (Zoning) By-law and/or Official Plan Amendment is before Council as a result of having been initiated by Council, delegations shall be permitted to address Council at the meeting when the said Official Plan amendment or the said By-law is listed in Council's Order of Business under By-laws. Delegations shall address Council with respect to the foregoing during consideration of business items in the Committee of the whole.

- (7) When a Statute of Ontario requires that notification be given of Council's intention to enact a by-law, the Clerk shall, after the first reading thereof, advise all persons present that if they wish to address Council with respect thereto, that he be so advised and the Clerk shall thereupon list such persons as delegations for that meeting.
(B/L 4752 d.Jan. 28/74)

CITY OF SUDBURY



City of Sudbury
Ville De Sudbury

OFFICE OF THE CITY CLERK
BUREAU DU GREFFIER MUNICIPAL

P.O. BOX 1000 (C.P.) 200 RUE BRADY STREET, SUDBURY, ONTARIO. P3E 4S5 (705) 674-3141

1982-04-06

Mr. Brian Hinkley,
Alderman - Ward 3,
Corporation of the City of Hamilton,
71 Main Street West,
Hamilton, Ontario.
L8N 3T4

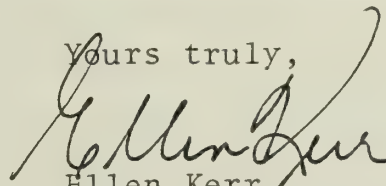
Dear Mr. Hinkley:

With reference to your letter dated 1982-03-23, please be advised the the City of Sudbury Council does permit delegations before the whole of Council.

For your information, we enclose a copy of City of Sudbury Procedure By-law 77-1.

In addition, delegations are permitted to appear before Committees.

Yours truly,


Ellen Kerr,
City Clerk.

34. All Council Agendas prepared by the Clerk shall be in writing and under the following headings:

- (1) Roll Call;
- (2) Declarations of Conflicts of Interest;
- (3) Committee of the Whole In Camera - Grievance and License Hearings
- (4) Adoption of Minutes of Previous Meeting(s);
- (5) Tenders;
- (6) Public Hearings;
- (7) Delegations;
- (8) Correspondence and Department Reports;
- (9) Referred and Deferred Matters;
- (10) Motions (i.e. those for which Notice has been given either at a previous meeting or received by the Clerk prior to the deadline set out in Section 33 above);
- (11) Introduction and Consideration of By-laws;
- (12) Question Period (Enquiries and Answers);
- (13) Notice of Motion;
- (14) Addendum to Agenda;
- (15) Announcements;
- (16) Committee of the Whole In Camera - General;
- (17) Adjournment.

35. All Committee of the Whole Agendas prepared by the Clerk shall be in writing and under the following headings:

- (1) Declarations of Conflicts of Interest;
- (2) Grievance Hearings;
- (3) Delegations;
- (4) Correspondence and Department Reports;
- (5) Referred and Deferred Matters;
- (6) Motions (i.e. those for which Notice has been given either at a previous meeting or received by the Clerk prior to the deadline set out in Section 33 above);
- (7) Question Period (Enquiries and Answers);
- (8) Notices of Motion;
- (9) Addendum to Agenda;
- (10) Announcement;
- (11) Adjournment.

36. All Committee Agendas other than Committee of the Whole Agendas prepared by the Clerk shall be in writing and under the following headings:

- (1) Declarations of Conflicts of Interest;
- (2) Delegations;
- (3) Correspondence and Department Reports;
- (4) Referred and Deferred Matters;
- (5) Motions (i.e. those for which Notice has been given either at a previous meeting or received by the Clerk prior to the deadline set out in Section 33 above);
- (6) Question Period (Enquiries and Answers);
- (7) Notices of Motion;
- (8) Addendum to Agenda;
- (9) Announcements;
- (10) Adjournment.

37. Announcements

Any Member who wishes an Announcement to be made at any particular Meeting shall submit the same in writing to the Chairman and if the Chairman approves, the Chairman or the Clerk, on instructions from the Chairman, shall make the announcement before the adjournment of the Meeting concerned. In addition, the announcement shall be recorded in the Minutes of the Meeting concerned.

38. Question Period

Enquiries during the Question Period shall be directed by Members to Department Heads and shall deal with matters of an immediate nature not previously dealt with at the Meeting. Any Department Head asked a question during the Question Period may either immediately answer same OR indicate to the Chairman that he will answer same at the next Meeting. At the next Meeting when the Question Period is called, the Department Head or Heads who are to answer questions from a previous Meeting shall so indicate to the Chairman and shall then give such answers when the Chairman so directs. Each enquiry made during a Question Period shall be recorded in the Minutes of the Meeting concerned and in addition, the Minutes shall note whether the enquiry was answered or requires an answer at the next Meeting.

39. Delegations

a) A delegation shall be heard at any Meeting respecting any item on the Agenda for the Meeting concerned, provided that such delegation has notified the Clerk or the secretary of the Meeting concerned before the Meeting concerned of its desire to appear at the Meeting respecting such item.

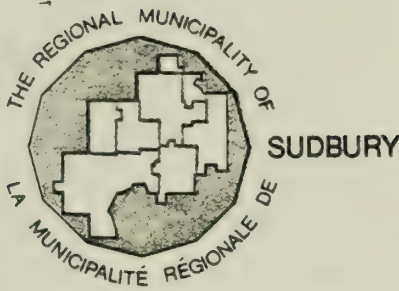
b) A delegation shall have up to fifteen (15) minutes to make its presentation although such time limit may be extended by the Council, Committee of the Whole or other Committee, as the case may be, by such amount of time as the said Council, Committee of the Whole or other Committee, as the case may be, deems advisable by resolution passed by two-thirds of the Members present and voting.

c) Once the time or extended time allotted to a delegation has expired, the Chairman shall so inform the delegation and the delegation shall immediately cease its presentation. If, after having been informed by the Chairman of the expiry of its time or extended time, as the case may be, the delegation fails to immediately cease its presentation, it and each Member thereof who has participated in the presentation is hereby deemed guilty of improper conduct and is subject to expulsion or exclusion from the Meeting by the Chairman.

d) A delegation consisting of more than one person in making its presentation may use up to three (3) speakers and no more.

e) A delegation making its presentation may use such visual aids as it deems advisable provided that where such visual aids require the use of equipment in the possession of the Municipality or the use of a utility such as electricity, arrangements must be made by the delegation with the Clerk or the secretary of the Meeting concerned, prior to the Meeting concerned for the use of the said equipment or utility. If a delegation fails to make such arrangements prior to the Meeting concerned or if the arrangements cannot reasonably be made prior to the Meeting concerned, then the

REGIONAL MUNICIPALITY OF
S U D B U R Y



BOX 370, SUDBURY, ONTARIO P3E 4P2 TEL. (705) 673-2171

PLEASE REFER TO OUR FILE

1982-03-29

City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Mr. Brian Hinckley, Alderman, Ward 3

Dear Sir:

Re: Procedure to Address the Whole of Council

In response to your letter of March 23, 1982, I have attached the section of our Procedure By-law dealing with delegations.

Regional Council has not had a great deal of difficulty handling delegations in the past and Regional Council is usually not swamped with requests for an audience.

The handling of such requests is the responsibility of the Clerk who may direct them to the appropriate Committee, or if in his opinion the request does not warrant consideration of Council, may deny such request. The direction provided by the Clerk can only be overruled by a two-thirds majority of Council, as it is generally Council's opinion that the Clerk is acting in their best interest.

Quite often the reports of the Standing Committees generate requests to appear before Council, particularly recommendations regarding zoning changes, and although on occasion the requests are verbal, Council usually grants these.

I hope this information is helpful.

Yours truly,

Paul Phillion
Regional Clerk

/jb
Att.

the announcement recorded in the minutes. If the reply is affirmative and a majority of members present so agree, the announcement shall be recorded in the minutes.

**An inquiry shall deal with an item of an immediate nature not previously dealt with.

- (b) The business of each meeting shall be taken up in the order in which it stands upon the Agenda unless otherwise decided by Council.
- (c) All motions called in pursuance of the Orders of the Day and not disposed, shall be placed on the Agenda for the next regular meeting, unless otherwise decided by Council.

DELEGATIONS

- 20. Delegations shall be limited to a maximum of fifteen (15) minutes and shall be considered in the following order:
 - 1. Those who have been requested or commissioned by Council to appear before it (e.g., representatives of senior governments or consultants);
 - 2. Citizens, organizations or their representatives who have notified the Clerk in writing of their desire to appear before Council;
 - 3. Citizens, organizations, or their representatives who are present at a meeting directly concerned with a matter on the agenda, but who have not notified the Clerk in writing of their desire to address Council may, with the approval of Council, be heard when the matter comes up for discussion.

REGIONAL MUNICIPALITY OF
NIAGARA

THE REGIONAL MUNICIPALITY OF NIAGARA

OFFICE OF THE CLERK
150 BERRYMAN AVENUE, BOX 3025
ST. CATHARINES, ONTARIO
L2R 7E9

March 31, 1982

Alderman Brian Hinkley,
City of Hamilton,
71 Main Street West,
Hamilton, Ontario,
L8N 3T4

Dear Mr. Hinkley,

Re: Procedure to Address the Whole of Council

Further to your letter of March 23rd, I have enclosed herewith an excerpt, being page 6 from our Procedural By-law 149-92-71, on which I have highlighted Article 22.

I am not aware of any particular problem or difficulties in the administration of this section or article. As you are probably aware, most enquiries to meet with Council are usually made initially by telephone to the Municipal Clerk.

Upon determining the subject or the concern of the enquirer, we suggest one of two courses of action:

To meet with the appropriate standing committee

If this is agreeable we clear it with the Chairman of the appropriate standing committee and list the deputation on that agenda.* We explain to the deputation that their concern or problem can be discussed more fully and informally in committee, they need not be restricted to one speaker, and the time for consideration is not as restrictive as it would be in a presentation to the whole of Council.

To meet with Regional Council

If the concern is more general, or if a delegation strongly requests to meet with Regional Council, we request written advice, as set forth in Article 22, clearly stating the nature of their concern.

.../2

. B. Hinkley

-2-

March 31, 1982

We then discuss that letter with the Regional Chairman and following his approval, we write advising the enquirer of the approval and at the same time, we ask for the name of the single speaker or presenter, and we remind them to limit the presentation to 10 minutes.

If the presentation is to be in the form of a brief or written submission, we request 50 copies to be included in the Council agenda, which is delivered by courier on Friday -- Council meets the following Thursday.

If this is not possible or agreeable, we request the deputation to bring 50 copies to the Council meeting for distribution just before the presentation is made. The copies are distributed as follows:

Chairman and Regional Councillors	- 30
Regional Department Heads	- 9
News Representatives	- 10

Our office co-operates and assists deputations with any physical arrangements necessary, e.g. provision of display boards, overhead projectors, screens, etc.

I hope the foregoing has provided the information you require from this municipality. However, if you have further questions, please contact us again.

Yours sincerely,



WJD/ed

W. J. Dawson,
Regional Clerk

cc: Mr. J. E. Campbell

*P.S. The same requirement exists as for a presentation to Council, that is, the request is to be in writing setting out the particulars of the matters to be considered.

- (e) Disobey the rules of the Council or a decision of the Chairman or of the Council on questions of order or practice or upon the interpretation of the rules of the Council, and in case a member persists in any such disobedience after having been called to order by the Chairman, the Chairman may forthwith put the question, no amendment, adjournment or debate being allowed, "that such member be ordered to leave his seat for the duration of the meeting of the Council", but if the member apologizes he may, by vote of the Council, be permitted to retake his seat.
21. No person except members and officers of the Council shall be allowed to come within the bar during the sittings of the Council without permission of the Chairman or the Council upon reference.
22. Any person, not being a member of Council or an appointed official, who wishes to address the Council, may be heard by leave of Council provided that such person shall deliver to the Clerk a request in writing setting out the particulars of the matters on which he wishes to address Council, at least 5 days before the date of the meeting. Every such deputation shall be limited to 10 minutes for speaking to Council.
23. No by-law shall be presented to Council, except by leave, unless the subject matter thereof has been considered and approved by Council.
24. Every by-law shall be in writing and shall be introduced upon motion by a member. A by-law shall be given first reading without amendment or debate and every by-law shall have three readings previous to its being passed. The Clerk shall endorse on all by-laws enacted by Council the date of the several readings thereof.
25. A motion to refer a matter under discussion to a Committee of the Council shall preclude all amendments of the main question until the motion to refer is decided.
26. A motion for the previous question cannot be amended or debated, shall preclude all amendments and debate of the main question and can only be moved in the following words "that the question be now put".
27. A motion to amend shall be relevant and shall not be in direct opposition to the main question. Only one motion to amend an amendment to the question shall be allowed and

FROM

MUNICIPALITIES

REPLIES

FROM

MUNICIPALITIES

THAT DO NOT ALLOW

PUBLIC PRESENTATIONS BEFORE COUNCIL

REGIONAL MUNICIPALITY OF
OTTAWA - CARLETON

Regional Municipality
of Ottawa-Carleton
222 Queen Street
Ottawa, Ontario K1P 5Z3

Municipalité régionale
d'Ottawa-Carleton
222, rue Queen
Ottawa (Ontario) K1P 5Z3

Office of the
Regional Clerk

Bureau du
Greffier régional

Regional Clerk-Greffier régional

March 30, 1982

Mr. Brian Hinkley
Alderman Ward 3
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Hinkley:

I have received your letter of March 23rd, concerning the procedure of addressing the whole of Council.


There is no provision in the by-law governing the proceedings of Council, to permit the public to address the whole of Regional Council. From time to time a delegation may be present to brief Council on one matter or another and will answer questions of Council. These times however, are confined to programs or projects which have been commissioned by Council and members of Council are advised in advance of such briefings.

Section 9(1) of the by-law does state that the meetings of Council including meetings of the Council sitting in Committee of the whole, shall be open to the public, however, Section 15(1) prohibits any person except a member of Council or an officer of the Corporation from coming within the Council bar during the meeting, without permission of the Chairman.

Finally I would advise that members of the public can with the leave of a Standing Committee, address the Committee. Although Committee staff attempt to contact all persons in advance of a Committee meeting who have indicated that they wish to speak, the Committees seldom if ever, refuse to hear a member of the public.

I hope the foregoing is of some assistance.

Yours truly,



W.H. Brunette
Regional Clerk

WHB/cll

B O R O U G H O F E T O B I C O K E



BOROUGH OF ETOBICOKE

OFFICE OF THE CLERK

416 / 626-4270

CIVIC CENTRE
ETOBICOKE, ONTARIO
M9C 2Y2

March 31, 1982

Mr. Brian Hinkley,
Alderman,
City of Hamilton,
71 Main Street West,
Hamilton, Ontario.
L8N 3T4

Dear Sir:

Subject: Procedure to Address the Whole of Council

The procedure of the Council of the Borough of Etobicoke does not provide for the public to address the Council at regular meetings thereof. Should there be an issue which is of major importance and when Council would expect a large number of people who might wish to address Council, then a Committee of the Whole meeting will be called for that specific purpose (such as ward boundaries revision).

In other cases, persons wishing to make a presentation to Council do so through one of the standing committees of Council. If the party in question is not satisfied with the recommendation of the standing committee then a written appeal may be made to Council. Such appeal would be placed before Council at the same time as the recommendation of the committee is being considered; however, there is no provision to speak directly to Council.

I trust this information will be helpful.

Roger F. Cloutier,
Borough Clerk.

/gr

CITY OF OTTAWA



OTTAWA

CITY HALL
III SUSSEX DRIVE

HÔTEL DE VILLE
III, PROMENADE SUSSEX

KIN 5A1

EVELYNE H. COOPER
CITY CLERK
GREFFIER DE LA VILLE

R.F. PEPPER
DEPUTY CITY CLERK
GREFFIER ADJOINT

DEPARTMENT OF THE CITY CLERK
SERVICE DU GREFFE

(613) 563-3396

FILE No.
No. DE DOSSIER

March 30, 1982

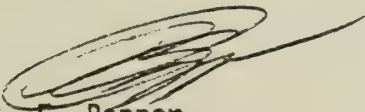
Alderman Brian Hinkley
Ward 3, City Council
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Alderman Hinkley:

In response to your letter of March 23, 1982, the City of Ottawa Procedure By-law does not permit the public to address the whole Council at its meetings.

If a person or delegation wishes to address an item that will be going to Council, they may do so at the Committee level, as all items to be dealt with by Council must go through one of the Standing Committees of Council first.

Yours truly,



R. F. Pepper
Deputy City Clerk

RFP/ln1

CITY OF TORONTO



Department of the City Clerk

City Hall, Toronto, Ontario, Canada M5H 2N2

Roy V. Henderson / City Clerk

A.R.N. Woadden / Deputy City Clerk

April 2, 1982

Alderman Brian Hinkley,
City of Hamilton,
71 Main Street West,
Hamilton, Ontario.
L8N 3T4

Dear Alderman Hinkley:

Thank you for your letter of March 23, 1982 about procedure to address the whole of Council.

The City of Toronto Procedure By-law, in part, states as follows:

5. "Subject to the Municipal Act, a person not a member of Council shall not be allowed to address the Council except upon invitation of the Mayor or the Council".

There have been occasions when the Mayor or Council have invited certain persons to address Council. Those occasions are extremely rare. Deputations are heard before the Executive Committee and the Standing Committees. This delegation of hearings to Committees was effected in an attempt to decrease the length of Council meetings.

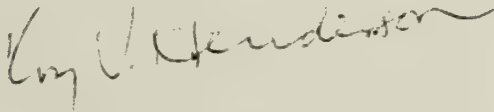
For your information I am enclosing a consolidation of By-law No. 33-67 "To Regulate the Proceedings of Council". In addition I am sending a sample of procedures for one of our Standing Committees.

...../2

I feel the present system works well and I am not aware of administrative difficulties with the procedures we now follow. However, when Council did hold public hearings I recall that for certain specific matters we were advised by our solicitor that Council's hearing could be equated to a court hearing and that, if Members of Council left the Chamber, for any purpose, they could then not take part in the discussion or vote on those matters under consideration during that absence. As I said earlier, Council meetings were certainly prolonged because of those hearings.

I hope this information will assist you in your considerations.

Yours truly,

A handwritten signature in cursive script, appearing to read "Roy V. Henderson".

City Clerk.

ARNW/sm

Encls.

C I T Y O F L O N D O N



THE CITY OF LONDON, ONTARIO, CANADA

April 7, 1982

Alderman Brian Hinkley
Ward 3, City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario L8N 3T4

Re: Procedure to Address the Whole of Council

Dear Alderman Hinkley:

The City Clerk, Mr. McNorgan, has asked me to respond to your letter of March 23, 1982 concerning the above-noted subject.

London City Council is organized into a standing committee system and as you may know, still retains a Board of Control. In addition to the Board, there are four Standing Committees all having separate areas of jurisdiction as set out in the Council's Procedure By-law. All delegations or deputations are heard at committee level by these groups or in some cases (such as licensing matters) by the Board of Control. The whole Council itself does not hear delegations or deputations.

If a situation arises where a citizen does not feel that he has had a fair hearing in front of a Standing Committee, then he is able to communicate his point of view in writing to the whole Council. These types of communications are listed on the Council's agenda when it deals with the same matter as it comes up from the Committee involved. My observation would be that over the years the Council has been very careful to ensure that citizens have had ample opportunity at Committee level to put their points of view forward. The Council does not hesitate to refer matters back to the Committee if it appears as a result of information in a letter from a citizen that there are legitimate reasons for the matter to be heard again at Committee level before a Council decision is made on it.

Because there are nineteen people on London City Council, the argument over the years has been that it is more practical for a smaller Standing Committee of the whole Council to deal with assigned areas of jurisdiction and to hear all deputations relating to those matters. I believe that it is a fair and a sensible approach provided, of course, that there is an appropriate committee structure in place to do the work.

I note in the Notice of Motion that you included with your letter that groups would only be allowed five minute presentations. I would suggest that in many cases, that length of time would not be sufficient and that were you to

...2

have such a time-limiting policy, the groups making presentations could, in many instances, feel that they had been denied adequate time to present their cases.

I hope that the information and my own observations will be of use and interest to you. I am also enclosing for your reference a copy of our Council's Procedure By-law.

Yours truly,



R. J. Tolmie
SECRETARY
BOARD OF CONTROL
/hc
Enc.

METROPOLITAN TORONTO

The Municipality of
Metropolitan Toronto

Metropolitan Clerk's Department

City Hall, Toronto, Ontario, Canada M5H 2N1

Telex: 06-23472

Telephone:

367-8010.

Walter J. Lotto, *Metropolitan Toronto Clerk*

Daniel Crombie, *Deputy Metropolitan Clerk*



April 6, 1982.

Alderman Brian Hinkley,
City of Hamilton,
71 Main Street, West,
Hamilton, Ontario. L8N 3T4.

Dear Alderman Hinkley:

Please excuse the delay in replying to your letter of March 23rd which was waiting for me on my return from vacation.

Section 65 of our Council Procedure By-law states, "No deputation, other than persons entitled by statute to be heard shall be allowed to address Council", so that the only deputations before Council are as a result of Public Notices required by Statute prior to the passing of certain by-laws, where members of the public may claim that their lands are prejudicially affected by the proposed by-laws.

Ample opportunity is afforded to members of the public to appear before the appropriate Standing Committees of Council and if the deputant is not in agreement with the decision of the Committee, he or she has the opportunity of appearing before the Metropolitan Executive Committee when the recommendation of the Standing Committee is before the Executive Committee for consideration and recommendation on to Council.

Should the Executive Committee support the decision of the Standing Committee, the deputants could then submit to the Clerk a communication addressed to the Council. This communication would then be included on the Agenda of Council for consideration with the recommendation of the Standing Committee.

All requests to appear before a Standing Committee are directed to the Secretary of the Committee who makes the arrangements with the deputant to address the Committee.

The Section from our Council Procedure By-law quoted above has been a part of the procedure By-law since 1966 and during that time I can safely say that no problems have arisen and also no criticism of such a provision has been voiced by the public or the media.

I trust the above information will be of assistance to you.

Yours very truly,

W. J. Lotto/bvs


Metropolitan Toronto Clerk.

CONCLUSION

CONCLUSION

ONE CAN ONLY COME TO THE CONCLUSION THAT THE REGIONAL COUNCIL OF HAMILTON-WENTWORTH IS OUT OF STEP WITH MOST OTHER MAJOR MUNICIPAL COUNCILS ACROSS ONTARIO WITH RESPECT TO ALLOWING THE PUBLIC TO ADDRESS THE WHOLE OF COUNCIL.

WHETHER THIS SITUATION WILL CHANGE OR CONTINUE TO BE TOLERATED RESTS WITH THE CITIZENS AND TAXPAYERS OF THE REGION OF HAMILTON-WENTWORTH.

A P P E N D I X I

COPY OF FORM LETTER SENT TO
VARIOUS ONTARIO MUNICIPALITIES



CITY COUNCIL
HAMILTON CANADA

March 23rd, 1982

RE: PROCEDURE TO ADDRESS THE
WHOLE OF COUNCIL

Could you please advise if your municipality permits the public to address the whole of your Council? If such permission is granted, I would appreciate knowing how the requests are facilitated.

I would also appreciate hearing from you as to any problems Council has experienced or any administrative difficulties.

I am enclosing for your information a copy of a "Notice of Motion" that was dealt with by the Hamilton-Wentworth Regional Council. The motion in its present proposed form was defeated.

Any information that you could provide me as to the method your municipality employs on this matter would be greatly appreciated.

Thank you very kindly.

Yours very truly,

Brian Hinkley
Alderman, Ward 3

BH:wt

Enc.

A P P E N D I X I I

NEWSCLIPPINGS

Hinkley-Merling proposal: its time has come

WEDS.
MAR. 10/82
MOUNTAIN NEWS

On Tuesday night, Hamilton - Wentworth regional council will consider another proposed policy change that will make it more accessible to the taxpayers it serves.

Hamilton aldermen Brian Hinkley and Henry Merling will present council with a draft procedure for citizens to address council during its formal sessions.

It's an initiative we welcome, coming just three months after council passed a freedom of information bylaw that prys open the lid of secrecy which often appeared to surround the region's affairs.

The procedure drawn up by Messrs. Hinkley and Merling would allow citizens to address council on regional business or on matters upon which it "may exert influence."

Spokesmen are limited to five minutes each and they can't indulge in name-calling or stray into sensitive areas such as pending litigation, real estate or business deals or labor negotiations.

No more than six spokesmen can be scheduled for anyone meeting and priority is assigned on a first - come, first - served basis.

If a spokesman wants the region to take action on a presentation, the request is referred to the appropriate standing committee for consideration.

This procedure is yet another sizeable step forward in bringing regional

council and its taxpayers closer together.

The procedure is fair and provides, in effect, a last chance for a citizen to appeal directly to council if he or she is unsuccessful at the standing committee level where delegations have always been permitted.

Messrs. Hinkley and Merling are to be congratulated for drafting this procedure. They should also be congratulated for coming up with a proposal that is practically unassailable from a political and procedural point of view.

Brave indeed would be the councillor who, in this election year, would risk being seen to oppose the right of a taxpayer to address his regional council.

And in terms of council procedure, this proposal cannot be attacked in that it strictly defines the length, content, tone and disposition of presentations.

We trust council will have little trouble accepting this proposal.

And we're especially pleased that after years of at least the appearance of a secretive, inaccessible council, the pendulum is swinging the other way.

MAR. 6/82 SPECTATOR

Council considers public speakers

SPEECHES BY the public to Hamilton-Wentworth regional council may become common place if a bylaw is amended to set aside time for citizens.

The proposed legislation would allot five minutes each to a maximum of six speakers near the end of the regular agenda. Under present rules the public cannot address council, unless, says Alderman Brian Hinkley, people call each councillor individually.

Mr. Hinkley proposed the changes this week and they will be debated at the next meeting. He believes the package will be referred to the legislation

committee for further examination.

The amendment suggests no more than two speakers per night address the same topic and the subjects include those things over which the region has jurisdiction or can exert some influence.

Areas not suitable for debate would include regional legal matters, the discipline or salaries of staff, collective bargaining within the region, matters relating to land either purchased or sold by the region, or police matters under investigation.

"I suppose what triggered it was the latest opposition to the labor

ion for the record," Mr. Hinkley said.

"It's a logical extension of freedom of information. It's not querous. What's wrong with opening up council to public presentation?"

Mr. Hinkley said citizen participation at the regional level is particularly important

"A group in the community may disagree with city or regional policy or just like to express its opinion."

Region closes doors on public forum plan

THE BUSINESS of local politics would be downgraded if the public were allowed to speak at regional council meetings, says Alderman Jim Bethune.

And for that reason, and others, regional council turned down a move to set aside 30 minutes to allow members of the public to speak at regular meetings.

Mr. Bethune felt council chambers is not a public forum and a meeting for the public would turn coun-

cil into "nothing more than a union hall."

But Dundas Mayor Joe Bennett said the plan was like a "breath of fresh air."

And Flamborough Mayor Betty Ward added: "We are an open forum and not a private club."

"If there's one thing that will turn people off (local) politicians it is denying them access to the council," she said.

Mr. Bethune added the scheme "could become just downgrading. This

council should be held in respect. No one in Ottawa is allowed to come in off the street and speak there (House of Commons). It's a right and privilege to be an elected member.

Speakers

"I don't like the inference that people are not being heard. They have the right to appear before committees."

Mr. Bethune was not alone in his opposition to the plan proposed by Alderman Brian Hinkley two

weeks ago. The proposal was defeated 21-6, with only Mr. Hinkley, Ward 3; Henry Merling, Ward 7; Paul Drage, Ward 1; Mr. Bennett; Mrs. Ward, and Flamborough Councillor Chris Ward supporting it.

The scheme would have allowed up to six speakers, five minutes each at council meetings to address issues about which council has some control.

The written requests would be submitted in advance and the time allotted on a first come basis. No

more than two speakers on the same topic would have been allowed on night.

Forbidden topics would have included regional legal matters, those relating to the salaries and staff discipline, land acquired or being sold by the region, police matters under investigation and collective bargaining issues.

Mr. Hinkley said the scheme would add "an exciting new dimension to council," and was neither new nor "a carte blanche for anybody to come and say anything they like."

"But the principle is most important. We have to be accessible. We should encourage citizen participation in council affairs. It would enhance the image of this council and the politicians, particularly at a time when politicians are held in such low esteem," he said.

Exclude

Alderman Don Gray attacked the proposal for being "very poorly worded and structured." He said the phrase "any area where the region exerted influence" could be interpreted as almost anything.

The first-come-first-served idea could exclude important issues because they were late or the space full. Allowing only two people per topic per night was undemocratic, he said.

Alderman Jim MacDonald said the traditional and best approach was for citizens to be heard at the committee level.

Afterward Mr. Hinkley said he was not surprised at the defeat. "It took a long time to get the freedom of information bill through. This is a start. We will develop another strategy at another time and place."

Public has access at other regions

HAMILTON-WENTWORTH is surrounded by regions where public access to council is considered a right and in each case the programs have been highly successful, officials there say.

In Halton and Haldimand-Norfolk delegations have been allowed since 1974 and in Niagara since 1971. Their clerks say the public forum has neither created problems nor been abused.

In each case, the normal route is through committee first, but if taxpayers want to go further they can make a written request to address council.

Bill McCreary of the Halton clerk's department said 10 to 15 minutes per speaker is usual, followed by questions from councillors. He said there is not a regular stream of people wanting to address council and the system has worked well.

"We've never had it abused," he said. "It's never even been close to being abused."

Request

Niagara's system is similar with written requests to the clerk submitted five days before each council meeting. Assistant clerk Al Pearson said there is an average of one or two delegations per month and he could not remember a case where the request was denied.

"It works well," he said. "People know if they don't get what they want at a committee they can appear before council and get their day in court."

Mary Lou Johnston, Haldimand-Norfolk's clerk, said a similar system operates in her region. If citizens aren't satisfied with the committee they request 10 minutes to address council. She couldn't remember any problems with the procedure.

"The system works well," she said. "Our council feels that by providing this avenue they have given people ample opportunity to air their views."

Firm 'no' to delegations

By David Dunnett
Staff Writer

A proposal which would enable citizens to appear before regional council to voice their concerns was shot down last week.

By a vote of 20-6, council dumped a motion put forth by Councillor Brian Hinkley which would have allowed public presentations before council of up to five minutes.

The number of speakers would have been restricted to six per council session and only two people would have been allowed to speak on any one issue.

Councillor Jim Bethune argued council chambers would be turned into a union hall and council meetings would be nothing more than a holocaust.

"It would be very downgrading to the council chamber," said Mr. Bethune. "It has to be held in respect just like the House of Commons in Ottawa."

'COUNCIL SUPREME'

Councillor Jim MacDonald said council had been running fine during the number of years he had been on it.

"This council is supreme," said Mr. MacDonald. "We shouldn't be influenced by any other people or bodies that come before council."

The motion by Mr. Hinkley was sparked last month when councillors refused to allow Harry Greenwood, vice-president of the Hamilton and District Labour Council, to address them on the issue of welfare rights

for laid off Stelco workers.

In the last six weeks, council has twice met informally before its regular meeting: once to view a presentation on the new wave action swimming pool slated for Confederation Park, and two weeks ago to hear an address from Judge George Thomson, Ontario's deputy-minister of community and social services.

Mr. Hinkley told council it had to make itself more accessible to the public.

"We have to ensure that where ever possible citizens participate in the affairs of the community," said Mr. Hinkley. "We have to have public discussion on issues."

FRESH APPROACH

Dundas Mayor Joe Bennett said it would be a fresh approach to citizen input.

Some councillors expressed concern that council would be abused by potential candidates in the upcoming fall elections.

"So what?" said Mr. Hinkley. "It might equal things out. Incumbents have a tremendous advantage over people who attempt to come up and offer themselves for public office."

Mr. Hinkley said council's response was exactly what he expected but added he would wait and gauge public reaction to council's decision.

The motion was supported by councillors Henry Merling, Chris Ward, Flamborough Mayor Betty Ward, Dundas Mayor Joe Bennett and Councillor Paul Drage.

Editorial

HAMILTON
MOUNTAIN NEWS

MARCH 24 1982

Council not interested in hearing delegations

Hamilton-Wentworth regional council may have passed a freedom of information bylaw but it's not interested in hearing delegations.

By a vote of 20-6 Tuesday, council turned thumbs down on a proposal by Hamilton Councillor Brian Hinkley and Henry Merling that would have allowed citizens to present their views to council in formal session.

The decision means those with concerns about regional government affairs will have to hope they can win their cases at the committee level and, if successful, that council will ratify the committee's decision.

If council reverses a committee decision, the taxpayer is out of luck: there is no formal appeal to council.

Last week in this space, we suggested that council should have little trouble accepting this proposal, especially in this, an election year.

Where we went wrong was in underestimating the arrogance of certain councillors, notably Jim Bethune and Jim MacDonald, both of Hamilton.

Mr. Bethune, a partner in a construction supply company, suggested acceptance of the proposal would turn the council chamber into a "union hall"

not their opinions, are welcome.

For the record, the following voted in favor of allowing members of the

public to address regional council: Hamilton Councillors Brian Hinkley, Henry Merling and Paul Drage; Flam-

borough Councillors Bet v Ward and Chris Ward and Dundas Councillor Joe Bennett.

With comments such as that, Mr. Bethune, who represents Ward 7 on the Mountain, will be lucky to find support among union members in his ward on Nov. 8, municipal election day.

Mr. MacDonald's statements were even more incredible.

He claimed council is "supreme" and shouldn't be influenced in its decisions by members of the public.

Who does he think pays his salary? He may well find out in November.

One of the most serious problems facing regional governments, as identified by a committee of municipal officials from across Ontario last fall, is the public's feeling of impotence in dealing with regions.

This feeling has always been around in Hamilton-Wentworth and council's decision last night does nothing but exacerbate it.

As long as council continues to make decisions such as this one, regional government will be dismissed by its citizens as an unapproachable ivory tower where only their tax dollars, but

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